

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
FRANCIS MUNLEY and : CASE NO. 5-20-00232
SUSAN MUNLEY :
Debtors : CHAPTER 13

FRANCIS MUNLEY and :
SUSAN MUNLEY :
: Movant, :
: :
vs. :
WILMINGTON SAVINGS FUND :
SOCIETY, FSB, NOT IN ITS :
INDIVIDUAL CAPACITY, BUT SOLELY :
AS LEGAL TITLE TRUSTEE FOR BCAT :
2019-22TT :
: Respondents. :

**DEBTORS' ANSWER TO MOTION FOR RELIEF FROM
AUTOMATIC STAY UNDER SECTION 362**

AND NOW COMES, Francis and Susan Munley, the Debtor's, and files an Answer to
Wilmington Savings Fund's Motion for Relief From the Automatic Stay:

1. Francis and Susan Munley (hereinafter the "Debtors") filed a Chapter 13 bankruptcy proceeding with the U.S. Bankruptcy Court for the Middle District of Pennsylvania.
2. Movant alleges that Debtors have failed to make post-petition mortgage payments.
3. Debtors Counsel is in the process of contacting the Debtors to ascertain if said payments were made and/or if Debtors are in possession of the funds to cure the alleged arrears.
4. In the event there remains an arrears, Debtors wish to enter into a Stipulation to include the arrears in an amended Plan.

5. Movant is not entitled to relief from the automatic stay as the arrearage amount due has been paid or shall be paid through the Chapter 13 Plan, and/or a six (6) month Stipulation, and, therefore, the Movant is adequately protected.

WHEREFORE, the Debtors respectfully request that Movant's Motion for Relief from the Automatic Stay be denied.

Respectfully submitted,

Date: November 11, 2020

/s/Tullio DeLuca
Tullio DeLuca, Esquire
PA ID# 59887
381 N. 9th Avenue
Scranton, PA 18504
(570) 347-7764

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
FRANCIS MUNLEY and : CASE NO. 5-20-00232
SUSAN MUNLEY :
Debtors : CHAPTER 13

FRANCIS MUNLEY and :
SUSAN MUNLEY :
: Movant, :
: :
: vs. :
WILMINGTON SAVINGS FUND :
SOCIETY, FSB, NOT IN ITS :
INDIVIDUAL CAPACITY, BUT SOLELY :
AS LEGAL TITLE TRUSTEE FOR BCAT :
2019-22TT :
: Respondents. :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 11, 2020, he caused a true and correct copy of Debtors' Answer to Wilimington Savings Fund Society's Motion for Relief from the Automatic Stay to be served Via First Class United States Mail, Postage Pre-paid in the above-referenced case, on the following:

Charles J. DeHart, III, Esq. at dehartstaff@ramapo.com

Rebecca A. Solarz, Esq. at rsolarz@kmllawgroup.com

Dated: November 11, 2020

/s/Tullio DeLuca
Tullio DeLuca, Esquire